

Frequency Range:

- (A) 300Hz-3MHz
- (B) 3MHz-30MHz
- (C) 30MHz-300MHz
- (D) 300MHz-1500MHz
- (E) 1500MHz-100GHz

Maximum Allowed
Mean Squared
Electric Field
Strength:

- (A) 80,000
- (B) $800(900/f^2)$
- (C) 800
- (D) $800(f/300)$
- (E) 4,000

Maximum Allowed
Mean Squared
Magnetic Field
Strength (A/m) 2:

- (A) 0.5
- (B) $0.005(900/f^2)$
- (C) 0.005
- (D) $0.005(f/300)$
- (E) 0.025

Maximum Allowed
Equivalent Plane Wave
Free Space
Power Density
(mW/Cm) 2:

- (A) 20.0
- (B) $180/f^2$
- (C) 0.2
- (D) $f/f500$
- (E) 1.0

As used in Table:

f	=	frequency in megahertz (MHz)
V	=	voltage in volts
A	=	current in amperes
m	=	length in meters
cm ²	=	area in square centimeters
mw	=	power in milliwatts

Before establishing a new source of NIER or changing an

existing NIER source in a way that increases the power, output, amount or radiation pattern of NIER, the applicant shall provide the following information:

A. Horizontal and radial distance from the NIER source to the nearest point on the property line, the nearest building regularly occupied by people as a residence or working therein including the building upon which a CCD is erected, the nearest publicly accessible spaces, such as parks and playgrounds and the points on the property and off the property with the highest calculated NIER levels and their evaluations above sea level.

B. Ambient NIER levels in the frequency range of the proposed source measured at the points identified above.

C. Calculated NIER levels after establishment or change of the proposed source at the points identified above.

If a calculated NIER level at any of the points listed above is more than one-fourth the maximum NIER level permitted under these regulations, the proposed NIER source can be approved only subject to the conditions that the applicant measure NIER levels at those points after the source is established or changed, and that such measurements show that the use complies with the standards stated herein.

D. When measuring NIER for compliance

1. Measuring equipment used shall be generally recognized by the Environmental Protection Agency (EPA), National Council on Radiation Protection and Measurement (NCRPM), American National Standards Institute (ANSI), or National Bureau of Standards (NBS) as suitable for measuring NIER at frequencies and power levels of the proposed and existing sources of NIER.

2. Measurement equipment shall be calibrated as recommended by the manufacturer in accordance with methods used by the NBS and ANSI, whichever has the most current standard.

3. NIER measurements shall be taken when NIER levels are expected to be highest due to operating or environmental conditions.

E. NIER calculations shall be consistent with the FCC, Office of Science and Technology (OST) bulletin 65 or other engineering practices recognized by the EPA, NCRPM, ANSI, NBS or similarly qualified organization.

F. Measurements and calculations shall be certified by a licensed professional engineer and shall be accompanied by

an explanation of the protocol, methods, equipment, and assumptions used.

SECTION 6. OBSOLETE OR UNUSED CCD

All obsolete or unused CCD must be removed within sixty (60) days of cessation of operations at the site.

SECTION 7. ROOFTOP CCD

Rooftop CCD may be installed, erected or constructed subject to the review and approval on the following standards:

1. Rooftop CCD shall not exceed the height limitation for buildings and structures within the zoning district in which the CCD is proposed to be erected;
2. CCD shall be set back from the outer edge of the roof a distance equal to or greater than ten (10) percent of the rooftop length and width;
3. CCD shall be the same color as the predominant color of the exterior of the top floor of the building and/or the penthouse structure except to the extent required by law or by the Architectural Review Board.
4. Where technically possible, commercial communication devices shall be constructed of open mesh design rather than solid material.

SECTION 8. SHARED USE OF EXISTING TOWER SITES.

A CCD shall not be approved where no similar CCD exists unless the applicant makes a good faith effort to substantially demonstrate that the proposed CCD cannot be located on the site of an existing or planned CCD approved after December 21, 1994.

a. The applicant shall contact the owners of all existing CCD sites approved after the effective date of this Local Law containing sufficient area to accommodate the proposed CCD. A list shall be provided of all owners contacted, the date of such contact, and the form and content of such contact.

b. The applicant shall supply the following information for each owner contacted:

- (i) Identification of the site by location, tax lot number, area, existing uses, topographic and significant natural features.
- (ii) Whether each such site could accommodate the CCD

proposed by the applicant without changing the existing or proposed structure. To enable the owner to respond, the applicant shall provide each owner with the dimensional characteristics of the proposed CCD and other relevant data about the CCD.

- (iii) Whether each such site could accommodate the CCD proposed by the applicant if either or both the existing or proposed CCD was structurally or otherwise changed. If changes due to structural or RF interference would be required, the owner shall specify in general terms what those changes are.
- (iv) If shared use is possible based on (ii) and (iii) above, the fee owner could charge for such shared use.

c. Shared use is not precluded simply because a reasonable fee for shared use is charged, or because of reasonable costs necessary to adapt the existing and proposed uses to a shared site. The Village of Tarrytown may consider expert testimony to determine whether the fee and costs are reasonable.

SECTION 9. SIGNS

All CCD shall be identified with signs of a size in compliance with Chapter 251 of the Code of the Village of Tarrytown listing the owner or operator's name and emergency telephone and shall be posted in a conspicuous place visible to the general public at each entrance and exit to the property and/or building where the CCD is erected.

SECTION 10. CLUSTERING

New CCD may not be sited within 500 feet of any existing CCD. This restriction does not apply to the siting of new CCD at an existing CCD site.

SECTION 11. EXISTING CCD

No source of NIER, including facilities operational before the effective date of this amendment, shall exceed the NIER emission standard specified in Section 5.

305-63. DEFINITIONS AND WORD USAGE

COMMERCIAL COMMUNICATION DEVICE. Any device which is intended for transmitting or receiving commercial television, radio, or telephone communications, excluding

the following which are not appropriate subject of the Village of Tarrytown zoning regulations:

- A. Industrial, scientific and medical equipment as regulated by FCC in 47 CFR Part 18.
- B. Military and government radar antennas and associated communication towers used for navigational purposes as regulated by 47 CFR Part 87.
- C. Amateur (ham) and citizen band transmitting and receiving antennas and associated communication towers as regulated by 47 CFR Part 97 and 95 respectively.
- D. Radio transceivers normally hand-held or installed in a vehicle, such as an automobile, truck, trailer, watercraft.
- E. A radio frequency machine which is designated and marketed as a consumer product, such as microwave ovens and radio control toys.

ANSI: American National Standards Institute.

ANTENNA: A system of electrical conductors for radiating or receiving radio waves.

EPA: Environmental Protection Agency.

FAA: Federal Aviation Administration.

FCC: Federal Communications Commission.

FREQUENCY (F): The number of sinusoidal cycles made by electromagnetic radiation in one second; usually expressed in units of hertz (Hz).

HAND-HELD SOURCE: A portable transmitter or transceiver normally operated while being held in the hands of the user.

This local law shall take effect upon filing with the New York State Department of State.

Following is a summary of the preceding legislation:

Summary of legislation to amend the Zoning Code to regulate Commercial Communication Devices (CCD) in the Village. A CCD is defined as any device designed to transmit or receive commercial television, radio or telephone communications.

Erection of CCD: The number of CCD that can be erected in the Village is proportionate to the size of the Village in square miles (3.1) to the overall size of the County

(450.5). This fair share proportion equates to .069% of the total number of CCD erected throughout the county. This fair share proportion shall remain in effect until a long term study of the health effects of CCD has been completed that proves definitely that there is no long term health risk.

No CCD may be erected that is within the line of sight of a resident, office worker or any other person in the Village unless the CCD meets specific performance standards. The performance standards are the same standards established for the entire state of Massachusetts and many other municipal governments throughout the country. The standard is the strictest in the country. A CCD may not unreasonably interfere with views, must be light in color, must be the minimum number necessary to provide for current service levels, and may not interfere with television, radio or telephone reception. Applicants must demonstrate that there is no other CCD presently in existence that can provide the service.

The legislation requires an applicant to provide funds for the Village to employ the services of an expert to verify all of the information submitted by the applicant, especially the information relating to performance standards. Funds must also be provided for an annual review of the CCD to verify that the CCD does not exceed the established performance standards and the CCD conforms to all other requirements of the legislation.

No unused or obsolete CCD may remain in the Village. A sixty day period is established for the removal of the CCD. Applicants must review the possibility of sharing a CCD with another CCD company, and must submit the review to the reviewing board to demonstrate that the sharing will not provide adequate CCD service.

BY ORDER OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF TARRYTOWN

LOUISE E. CAMILLIERE
VILLAGE CLERK

DATED: DECEMBER 28, 1994